

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICARDO DELACRUZ CABUGAWAN,

Case No. 3:24-cv-00251-MMD-CSD

Plaintiff,

ORDER

MONICA DANA, HR BUSINESS PARTNER,

Defendant.

Pro se Plaintiff Ricardo Delacruz Cabugawan seeks to sue an HR Business Partner, Defendant Monica Dana, at his former employer Panasonic, for race, age, and disability discrimination. (ECF No. 5 (“FAC”).) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 6), screening Cabugawan’s FAC, recommending that some of his proposed claims be dismissed with prejudice, but also recommending that he be granted leave to amend his FAC to assert his claim under the Americans with Disabilities Act (“ADA”) against a proper defendant. To date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). Judge Denney recommends dismissal with prejudice of Cabugawan’s age and race discrimination claims because he was already granted leave to amend, but still does not sufficiently allege that he was discriminated against because of his age or race. (ECF No. 6 at 5.) However, Judge

1 Denney finds that Cabugawan arguably states an ADA discrimination claim, but must
2 name the employer, Panasonic, as the Defendant. (*Id.* at 6.) Judge Denney accordingly
3 recommends Cabugawan be granted leave to amend his ADA claim to assert it against
4 the proper defendant. (*Id.*) Having reviewed the R&R, Judge Denney did not clearly err.

5 It is therefore ordered that Judge Denney's Report and Recommendation (ECF
6 No. 6) is accepted and adopted in full.

7 It is further ordered that Cabugawan's race and age discrimination claims are
8 dismissed with prejudice.

9 It is further ordered that Cabugawan's ADA claim is dismissed, without prejudice
10 and with leave to amend, for assertion against a proper defendant.

11 It is further ordered that Cabugawan must file any Second Amended Complaint
12 ("SAC") consistent with this order within 30 days. Any SAC must be complete in and of
13 itself without referring or incorporating by reference any previous complaint. Any
14 allegations, parties, or requests for relief from a prior complaint that are not carried
15 forward in the SAC will no longer be before the Court.

16 It is further ordered that Cabugawan must clearly title his SAC, if he files one,
17 "Second Amended Complaint."

18 It is further ordered that, if Cabugawan does not file an SAC within 30 days, the
19 Court may dismiss this case, in its entirety, with prejudice, without further advance notice
20 to Cabugawan.

21 DATED THIS 18th Day of October 2024.



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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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